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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
AL AUBAIDI, RASHA S	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/874,152	**Applicant(s)** VERBIL ET AL.	
	Examiner Rasha S. AL-Aubaidi	**Art Unit** 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    see attachment .
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: see Examiner's Exhibit A. (attachment)

Response to Arguments

1. Applicant's arguments filed 09/09/2005 have been fully considered but they are not persuasive.

On page 9 of the Remarks, Applicant argues "The present application and the Marks claim two different techniques". Applicant states that independent claims 1, 11, 21, and 28 provide an intelligent peripheral (IP) for "determining that the subscriber line is not busy by dialing the subscriber line from the intelligent peripheral". Applicant also adds "Marks teaches and claims placing a call from the IP to the subscriber line after determining that the subscriber line is idle". First of all, there is no difference between the two terms "not busy" and "idle". Determining that the line is "idle" or "not idle" is the same as determining that the line is "not busy" or "busy". Therefore, the IP will place a call to the subscriber line, when the subscriber line is no longer busy (i.e., idle).

There are different ways to determine when the subscriber line is available. One way is to have (IP) monitor the subscriber line, as taught by Marks. The other way is to have the (IP) periodically dial the subscriber line until the line becomes available (the claimed invention, i.e., claim 1). Both techniques accomplish the same result. The feature of making the determination by placing a call to the subscriber line is extremely old and obvious. See examiner's Exhibit A.

Applicant also argues "none of the art cited teaches or fairly suggests placing a call from the IP for the purpose of determining if the subscriber line –called party-is busy". Examiner respectfully disagrees with applicant's argument, since the in the combination of references the IP is placing calls to the called party (see previous office action).

Applicant adds "Watts teaches calling the calling party". The examiner focused on one particular feature in Watts. Simply, the feature is having the (IP) initiating a call (see col. 3, lines 66-67 and col. 4, lines 1-3). However, it appears that applicant is introducing irrelevant argument such as the scenario of "if the calling party is queued in the IP, and the IP calls the calling party, there is a 100% chance the line will be busy". Again, Watts is applied for teaching that the IP initiates a call. This feature is combined with the teachings of Weisser.

Regarding the "Camp On Busy" argument, Applicant's definition of this term is not entirely accurate. (see Examiner's Exhibit A). Note that the definition provided by applicant (page 13) is for a "signal", not for the feature.

Examiner's Exhibit A contains several old references (e.g., 1975) that teach redialing the busy number until a ringing signal is obtained. Also, the Exhibit contains the definition of Camp-On feature in Newton's telecom Dictionary.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
09/23/2005

Examiner's Exhibit A

Newton's Telecom Dictionary

by Harry Newton

The Official Dictionary of Computer Telephony, Telecommunications, Networking, Data Communications, Voice Processing and the Internet

#1 SELLER OVER 100,000 SOLD

Telecom Dictionary

The Official Dictionary of Computer Telephony, Telecommunications, Networking, Data Communications, Voice Processing and the Internet

EIGHTH UPDATED AND EXPANDED EDITION

I wrote this book for all of us who are trying to keep up.

It's not a technical book. I explain technical concepts in non-technical terms. I figure anyone ought to be able to understand my definitions.

Some of my definitions are several pages long. They're mini-essays. They explain the term, its benefits and occasionally a checklist on buying and using the item. Sometimes I include warnings. I want my dictionary to make you an informed buyer or an informed seller. I hope you find the dictionary useful.

HARRY NEWTON

Harry Newton has 25 years in telecommunications. He writes constantly. He is probably the telecom industry's most prolific writer. He is publisher of four monthly magazines - Computer Telephony, Teleconnect, Call Center and Imaging. He also founded LAN Magazine and Telecom Gear. He is promoter of the annual trade conference and exposition, Computer Telephony Conference and Exposition. He holds an MBA from the Harvard Business School and an Economics undergraduate degree from the University of Sydney, Australia. He is not an engineer, but wishes he were. He is the telecom's most popular speaker. He has spoken before every telecommunications convention and trade show. He appears as an industry expert on national TV.

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Telecom Dictionary

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NEWTON'S

THE "LOGIC"

I wrote this book for all of

Telecommunications is now

1. The world's larg
2. The world's fas

change you can name — techn

In one decade, this industry trolled, highly-regulated, monop ing free-for-all.

No one has ever written months. No one. Except me. Th the seventh edition. I can't keep tell me, "Daddy, get a life!"

Intel called up and bought Express. $480 in Fedex charge tionaries by Fedex? That's the now in.

Most technical dictionaries d As a result they leave you more ly so. My definitions tell you wh its benefits are, what its negativ of things, and occasionally som

This is a dictionary to work the definitions in proposals to c cuts through the clutter. Users itions. Management uses it to use it in court. (Often they call m a juror. But it's probably as bori

You can give my dictionary You can even give it to your kid understand why you, too, have

I don't claim my dictionary is c better. I add, I re-work and I up That's an invitation. Send me yo in-house glossaries.

The best way to get me is th Mail account 101-5032 or Com

tions protocols (such as TCP/IP). See CALLPATH SERVICES ARCHITECTURE.

CALLPATH SERVICES ARCHITECTURE CSA is IBM's architecture that defines the protocols for communication between computers and telephone switches. CallPath Services Architecture, announced in 1991, provides a Application Programming Interface (API) that enables a call management application to interact with telephone systems, with little regard to the protocols of communications interface provided by the telephone system. The idea is that with CallPath a call will arrive at a computer terminal simultaneously with the database record of the caller. And such call and database record can be transferred simultaneously to an expert, a supervisor, etc. CallPath has especial value in telephone call centers. As of writing, IBM provided connectivity to PBXs (AT&T Definity Generic 3, Northern Telecom Meridian 1, ROLM 9751, Siemens Hicom, NEC central office switches (AT&T 5ESS and Northern Telecom DMS-100), and has agreements with other PBX manufactures that provide CallPath connectivity for Aspect, Ericsson, SDX, Telenorma, and Cortelco. IBM's CallPath products provide support for locally attached applications and client/server applications. IBM has CallPath APIs available for mainframes, minicomputers and workstations, in particular IBM System 390 and ES9000, AS/400, RISC System/6000, OS/2 workstations, Windows workstations, Sun Solaris, HP UX, and SCO UNIX workstations. See OPEN APPLICATION INTERFACE and DIRECTTALK.

CAM 1. Call Applications Manager. The name of the Tandem software interface which provides the link between a call center switch telephone switch (either a PBX or an ACD) and all Tandem NonStop (fault tolerant) computers. CAM supports most major PBXs and automatic call distributors. 2. Computer Aided Manufacture. The actual production of goods implemented and controlled by computers and robots. Often used in conjunction with CAD. Only a few factories are completely automated. Usually, there is some human intervention in the actual construction of the product, often to make sure a part is placed in the robot correctly. 3. Controlled Attachment Module. Intelligent Token-Ring hub.

CAMA Centralized Automatic Message Accounting. See CAMA/LAMA.

CAMA/LAMA Centralized Automatic Message Accounting/Local Automatic Message Accounting. Specific versions of AMA in which the ticketing of toll calls is done automatically at a central location for several COs (CAMA) or only at the local office for that office's subscribers.

CAMCORDER A camera and a video recording system packaged as a whole.

CAMEO Macintosh-based personal videoconferencing system, announced by Compression Labs in January of 1992. Developed jointly with AT&T and designed to work over ISDN lines and, most recently, Ethernet LANs. The Cameo transmits 15 fps of video and needs an external handset for audio.

CAMP-ON You want to transfer a call to a phone but it's busy. This telephone system feature will allow you to lock the call you're trying to transfer onto the line that's busy. When it becomes free, the phone will ring and the "camped-on" call will be connected automatically.

CAMPUS BACKBONE Wiring between buildings.

CAMPUS ENVIRONMENT An environment in which users — voice, video and data — are spread out over a broad geographic area, as in a university, hospital,

medical center, prison. There may be sev
several LANs on a campus. They will bc
communicating over telephone, microwav

CAMPUS SUBSYSTEM The part of a
nects buildings together. The cable, interbu
connectors that enable communication am

CANCEL By touching the "cancel" butto
phone system to ignore the last commanc
been transfer, hold, park, etc. The "canc
with the "release" button. The "release" b
a computer system, i.e. it tells the syster
it to do, no matter how stupid your comm
command. You use when you make a mi
and do it now.

CANNIBALIZE To devour a phone sy
another system. A common technique fc
manufacturer no longer supplies parts.
monthly publication Telecom Gear. Tha
telecom equipment. Good stuff, too.

CAP 1. Customer Administration Panel.
a Customer Administration Center. The
Professional Publishing. The compute
opposed to desktop operations), includir
on the workstation screen. 3. Cellular
Provider, another term for a long distanc

CAPS Competitive Access Providers.

CAP'N CRUNCH see CAPTAIN CRUi

CAPACITANCE The capacity of a medi
electrical charge. Capacitance is measu

CAPACITIVE COUPLING The transfe
virtue of the mutual capacitance between
ate or inadvertent. Capacitive coupling fa
nents, whereas inductive coupling favors

CAPACITY 1. The information carryin
What the "facility" is determines the m
line's capacity in bits per second. You
maximum number of calls it can switch
calls it can keep in conversation simul
cable's capacity in bandwidth. 2. The m
a condenser can store up. The unit of c

CAPACITY TRANSFER CONTRO
which permits single allocation of capac
ital switched broadcast connection. Fo
ence leader can transfer transmission
cuits. 95% of such transfers will take pl